

ARTICLE 5: OVERVIEW OF AGREEMENT AUTHORITY

5.1 The Members may discuss, agree upon, and establish rates, terms, charges, conditions and practices for or in connection with the transportation of MOD cargo in the Trade.

5.2 (a) The Members may declare any tariff rate(s) or rules(s) to be “open,” with or without agreed minima or special conditions, and, thereafter, declare said rates or rules to be “closed.” (b) For the purposes of this Agreement the term “Open Rate/Rule” means a rate or rule on a specific commodity or commodities over which the Members relinquish or suspend their ratemaking/rulemaking authority in whole or in part, and thereby permitting each individual Member to fix its own Rate or Rule on such commodity or commodities. (c) In the event that rates or rules are declared “open,” the Association tariff shall so state. The Members also may discuss any open tariff rate or rule, including their respective tariff entries therefor, and may reach agreement with regard to any such open matter; provided, however, that no Member shall have any obligation to adhere, other than voluntarily, to any agreement on such open tariff matter and shall not be required to provide notice to the other Members of its intention to depart therefrom or otherwise alter any open tariff matter published for its account.

5.3 The Members may make arrangements or agreements among themselves and with other modes of transportation for the movement of intermodal shipments to or from inland points in Israel or in the U.S. and, among themselves, inland rates, rules, charges, classifications, practices, liability, bill of lading conditions, per diems, free time and detention on carrier-provided containers, chassis and related equipment, positioning of equipment, interchange with connecting carriers, terminal and shoreside loading operations (including wharfage), free time and demurrage, receipt, handling, storage, pickup and delivery of cargo, consolidation, container yards, depots and freight stations, and such other matters as may be ancillary to the transportation of MOD shipments in the Trade. ~~The Members also may engage in exclusive preferential, or cooperative working arrangements with one or more marine terminal operators in Israel or the U.S.~~